

Appl. No. 10/661,228  
Amdt. dated June 13, 2006  
Reply to Office Action of March 9, 2006

PATENT

### REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 9, 2006.

Claims 1, 2, 4-8, 10-15, 17-22, and 24-30 were pending in the present application. This Amendment amends claims 28-30, cancels claims 1, 2, 4-8, 10-15, 17-22, and 24-27, and adds new dependent claims 31-38, so that claims 28-38 are pending in this application.

One of Applicants' representatives, Mr. Lohr, previously had an interview with the Examiner. Applicants' representative thanks the Examiner for his careful consideration of the arguments raised during the interview.

#### **I. Amendment to the Claims**

As previously discussed with the Examiner, claims 28-30 have been re-written in independent form. Since independent claims 28-30 are the same as previously presented dependent claims 28-30, further search and/or consideration is not required by the Examiner. Any subsequent rejection of claims 28-30 that is based on different art should not be made final.

#### **II. Rejection under 35 U.S.C. §102**

Claims 1, 2, 4-8, 10-15, 17-22, and 24-30 are rejected under 35 U.S.C. §102(e) as being anticipated by *Carpentier* (US 6,976,165). This rejection is traversed.

*Carpentier* does not anticipate the claims. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131. Claims 28-30 have been re-written in independent form, and each of these claims recites the limitation that the current token image "includes loyalty program information." *Carpentier* does not teach this limitation and therefore does not anticipate independent claims 28-30 and dependent claims 31-38.

*Carpentier* discloses the secure storage and retrieval of content addressable information using an intrinsic unique identifier (IUI) for each file, where the IUI is a key for encrypting the file that is based on the contents of the file (col. 3, line 41-col. 4, line 29). *Carpentier* does not

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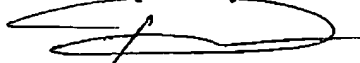
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disclose a current token image on a portable token that includes loyalty program information. The Office Action states on page 4 that the "escrow software management program" recited in col. 22 of *Carpentier* is broadly interpreted as loyalty information. Applicants respectfully submit that such reading is improper, and no evidence is presented justifying such interpretation. *Carpentier* discloses (col. 16, lines 5-21) that by possessing the "encrypted descriptor file," the user is "effectively guaranteed that all data files that have been encrypted and identified in the plaintext descriptor file are effectively sealed and have not changed" so that "the holder of the encrypted descriptor file can be assured that once the descriptor file is decrypted that it will be able to verifiably identify the original data files that have been identified in the descriptor file. In this way, encrypted descriptor file 142 serves as a type of escrow of the original data files." *Carpentier* therefore uses this escrow management to ensure that data files are saved without change for later retrieval. There is no teaching or suggestion that the saving of such files has anything to do with loyalty program information as recited in Applicants' claims 28-30. As such, Applicants respectfully submit that the rejection of previously submitted dependent claims 28-30 was improper, and that now independent claims 28-30 and dependent claims 31-38 are allowable.

#### CONCLUSION

Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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